<center>**REMARKS**</center>

In the Office Action dated August 17, 2007, claims 1-12, 14, 16-19, and 21-23 were presented for examination. Claims 14 was objected to as containing an informality. Claims 1-12, 14, 16-19, and 21-23 were rejected under 35 U.S.C. §103(a).

The following remarks are provided in support of the pending claims and responsive to the Office Action of August 17, 2007 for the pending application.

**I.     Objection to Claim 14**

In the Office Action dated August 17, 2007, the Examiner assigned to the application object to claim 14 as containing an informality. Applicant has amended claim 14 to address the informality. No new matter has been added to the application with the amendment presented herein. Furthermore, although the Examiner has placed a Final status on the application, Applicant respectfully requests entry of the amendment as it addresses an objection based upon an informality. Accordingly, Applicant respectfully requests that the Examiner remove the objection to claim 14 and entry of the amendment thereto.

**II.    Rejection Under 35 U.S.C. §103(a)**

In the Office Action dated August 17, 2007, the Examiner assigned to the application rejected claims 1-12, 14, 16-19, and 21-23 under 35 U.S.C. §102(b) as being anticipated by *Short et al.*, U.S. Patent No. 6,178,529, in view of *Szabo et al.*, U.S. Patent No. 7,065,746.

Applicant's remarks to *Short et al.* in the prior Office Action Response are hereby incorporated by reference.

U.S. Patent No. 7,065,746 to *Szabo et al.* pertains to a computer system with integrated applications and management of conflicts among the integrated applications. More specifically, changes to application components are detected. A manager in the system identifies components of interfaces that may be affected by the changes, and notifies applications that use the affected

<center>6</center>

interface. This enables conflicts to be resolved in association with changes to application components.

As noted in the prior Response, *Short et al.* does not teach all of the elements of Applicant's pending claims, and specifically, claims 1, 8, and 14. In the outstanding Office Action, the Examiner alleges that *Short et al.* teaches the step of "validating software compatibility of a new cluster member with storage media in said shared resources assigned to the cluster using the version control record prior to a new cluster member joining said cluster." See Second Office Action, page 3. The Examiner cites Col. 5, lines 12-21 in *Short et al.* to support this element of claim 1. However, *Short et al.* is discussing cluster authentication which prohibits write operations to shared devices in the cluster until the cluster membership is stabilized. See *Short et al.* Col. 5, lines 16-18. The process of regrouping or stabilizing a cluster includes authentication, which is a process for validating the identity of one or more cluster members. Cluster authentication or cluster regrouping as taught by *Short et al.* is not equivalent to a determination or validation of software compatibility of a cluster member with storage media. Rather, cluster authentication is a determination of communication of a member with the cluster. More specifically, cluster authentication taught by *Short et al.* is a determination as to whether the cluster member(s) are connected to and in communication with the cluster. Accordingly, the cluster authentication process as taught in *Short et al.* is limited to a *communication* failure by one or more of the cluster members with the cluster.

There is no teaching in *Short et al.* to expand cluster authentication to a process of validating software compatibility with shared storage media. *Short et al.* is limited to regrouping members of the cluster and disabling write operations to shared storage media during a regrouping process. See Col. 5, lines 12-21. Based upon the definition of a computer cluster[1], the cluster authentication process does not require validation with storage media. *Short et al.*, as

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[1]"A collection of computers that are interconnected (typically at high speeds) for the purpose of improving reliability, availability, serviceability and/or performance (via load balancing). Often, clustered computers have access to a common pool of storage, and run special software to coordinate the component computers' activities." Storage Network Industry Association Dictionary, attached as Exhibit A.

the basis for the rejection set forth by the Examiner, does teach cluster authentication, but does not teach authentication extending to determining software compatibility with storage media. *Short et al.* also does not teach or extend the computer cluster authentication to validating software compatibility of a new cluster member prior to the new cluster member joining the cluster and becoming a member thereof, with use of a version control record. These are all elements of Applicant's independent claims.

Furthermore, with respect to Applicant's independent claims, the Examiner cites *Szabo et al.* to teach the portion pertaining to organization of metadata in a shared resource in communication with a cluster. As noted by the Examiner, *Szabo et al.* does teach organization of meta data pertaining to integrated software applications. However, *Szabo et al.* does not teach a computer cluster, and therefore does not teach each of the elements of this clause as put forth by the Examiner. There is no shared resource in communication with a computer cluster in *Szabo et al.* In fact, *Szabo et al.* does not pertain to a computer cluster.

There is no teaching in *Short et al.* or *Szabo et al.* to provide all of the elements of the independent claims as outlined above. It is the standard in the law that, to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations."[2] Because *Short et al.* and *Szabo et al.* individually or in combination do not teach the elements of claims 1, 8, and 14 in their entirety, it is Applicant's position that the prior art rejection should be removed. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of claims 1-12, 14, 16-19, and 21-23 under 35 U.S.C. §103(a) and direct allowance thereof.

## III.    Conclusion

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. No new subject matter has been added to the application with the amendment to the claims presented herewith.

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[2] MPEP §2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

Furthermore, Applicant is not conceding in this application that the claims are not patentable over the art cited by the Examiner, as the present amendments and cancellation are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Accordingly, Applicant respectfully requests that the Examiner indicate allowability of claims 1-12, 14, 16-19, and 21-23, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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Date:       October 16, 2007

**cluster**

A collection of computers that are interconnected (typically at high-speeds) for the purpose of improving reliability, availability, serviceability and/or performance (via load balancing). Often, clustered computers have access to a common pool of storage, and run special software to coordinate the component computers' activities.